

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PURDUE PHARMA PRODUCTS L.P.,
NAPP PHARMACEUTICAL GROUP LTD.,
BIOVAIL LABORATORIES INTERNATIONAL,
SRL, and ORTHO-MCNEIL, INC.,

Plaintiffs/Counterclaim-defendants,

v.

PAR PHARMACEUTICAL, INC. and
PAR PHARMACEUTICAL COMPANIES, INC.,

Defendants/Counterclaim-plaintiffs.

C.A. No. 07-255-JJF
(CONSOLIDATED)

**DECLARATION OF KELLY L. BAXTER IN SUPPORT OF
PLAINTIFFS' ANSWERING BRIEF ON CLAIM CONSTRUCTION**

I, Kelly L. Baxter, declare as follows:

1. I am an associate at the firm of Ropes & Gray LLP. I am resident in Ropes & Gray's Palo Alto office, which is located at 525 University Avenue, Palo Alto, California 94301. Ropes & Gray is trial counsel for Plaintiffs Purdue Pharma Products L.P. ("Purdue") and Napp Pharmaceutical Group Ltd. ("Napp") in this action.
2. I make the following declaration in support of Plaintiffs' Answering Brief on Claim Construction.
3. Attached as Exhibit 1 is a true and correct copy of a May 16, 2008 letter from Robert Colletti to Robert Goldman.

I declare under penalty of perjury that the forgoing is true and correct.

Dated: July 2, 2008



KELLY L. BAXTER

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2008, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to:

Frederick L. Cottrell, III, Esquire
Steven J. Fineman, Esquire
RICHARDS, LAYTON & FINGER, P.A.

Richard D. Kirk, Esquire
BAYARD, P.A.

Mary W. Bourke, Esquire
CONNOLLY BOVE LODGE & HUTZ LLP

I further certify that I caused to be served copies of the foregoing document on July 2, 2008, upon the following in the manner indicated:

Frederick L. Cottrell, III, Esquire
Steven J. Fineman, Esquire
RICHARDS, LAYTON & FINGER, P.A.
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Wilmington, DE 19801

VIA ELECTRONIC MAIL

Edgar H. Haug, Esquire
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VIA ELECTRONIC MAIL

/s/ Rodger D. Smith II

Rodger D. Smith II (#3778)

EXHIBIT 1



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Robert E. Colletti
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May 16, 2008

VIA ELECTRONIC MAIL

Robert J. Goldman, Esq.
Ropes & Gray
525 University Avenue
Suite 300
Palo Alto, CA 94301-1917

Re: *Purdue et al. v. Par Pharmaceutical et al.*
FLH Reference No. 540572-521

Dear Bob,

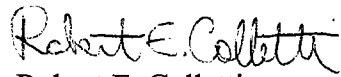
Pursuant to our agreed schedule to exchange claim terms that may be the subject of Markman briefing, we provide the following:

1. suitable for dosing every 24 hours (U.S. Pat. No. 6,254,887, claims 1, 13, 19);
2. controlled release coating (U.S. Pat. No. 6,254,887, claims 1, 13, 19, 27, 29, 31; U.S. Pat. No. 7,074,430, claims 1, 3, 5);
3. therapeutic effect (U.S. Pat. No. 6,254,887, claims 1, 13, 19; U.S. Pat. No. 7,074,430, claim 1);
4. therapeutic effect for about 24 hours after oral administration (U.S. Pat. No. 6,254,887, claims 1, 13, 19);
5. therapeutic effect for at least about 24 hours (U.S. Pat. No. 7,074,430, claim 1);
6. matrix (U.S. Pat. No. 7,074,430, claim 1).

Robert J. Goldman, Esq.
May 16, 2008
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Defendants reserve the right to add further claim terms that may require construction in view of ongoing discovery in this action.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert E. Colletti".

Robert E. Colletti

cc: Richard D. Kirk, Esq.
Mary Bourke, Esq.
Frederick L. Cottrell, Esq.